

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Suppes

v.

KattiCase No. 17-1142

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JAN 10 2017

INFORMAL BRIEF OF APPELLANT

United States Court of Appeals
For The Federal Circuit

Read the Guide for Pro Se Petitioners and Appellants before completing this form. Attach a copy of the final decision or order of the trial court. Answer the following questions as best you can. Your answers should refer to the decision or order you are appealing where possible. Use extra sheets if needed.

1. Have you ever had another case in this court? ☐ Yes ☒ No

2. Did the trial court incorrectly decide or fail to take into account any facts? ☒ Yes ☐ No

If yes, what facts? (Refer to paragraph 7 of the Guide.)

The details of this case are different than the details of cited Case Law. Cited cases were on disputes of ownership of patents and did not consider the inappropriate actions of the employer's representatives. This case is on Section 1983 violation of constitutional rights and the inappropriate actions of the Defendants—the trial court did not take into account the inappropriate actions of the Defendants.

3. Did the trial court apply the wrong law? ☒ Yes ☐ No If yes, what law should be applied?

Cited cases in the order (denying federal jurisdiction) were on "patents" and related issues of ownership and interference; and that Case Law did not properly consider the questions before the court on Section 1983 violations of constitutional rights.

"An invention is a mental construct inside the mind of the inventor" (see WIPO Patent Drafting Manual); and when a third party performs actions based on [presumed] unbridled ownership of mental constructs of an individual's mind, there are ample opportunities for violation of constitutional rights. The Plaintiff questions the trial court's right to re-classify a complaint on a "Section 1983 violation of constitutional rights" to a revised classification of "contract law". Plaintiff has a right to a hearing on whether or not the Defendants' actions were violations of Counts on violations of rights.

4. Did the trial court fail to consider important grounds for relief? ☒ Yes ☐ No If yes, what grounds?

Yes—the court never reached the point of considering grounds for relief.

5. Are there other reasons why the trial court's decision was wrong? ☒ Yes ☐ No

If yes, what reasons?

The cited cases do not apply to the circumstances of this case. Two issues are:

1. [Cited] Case Law has conflated terminology (patent versus invention) and overly broad decisions based on each case's narrow perspective of a single case, and these cases have inappropriately trumped the great rigor applied to 35 U.S. Code § 261.
2. The phrase "assignment of rights to the subject invention" is too broadly applied. Some rights may be assignable; other rights are still protected by the Constitution.

Reset Fields

FORM 12. Informal Brief (District Court, Court of International Trade, and Court of Federal Claims Cases)**Form 12
Rev. 03/16**

6. What action do you want the court to take in this case?

Plaintiff Suppes asks the following:

- 1) Rescind the trial court order that the Complaint be dismissed and allow an amended Complaint to be filed.
- 2) Declare that the federal court has jurisdiction over the Complaint due to Count 2, and that the jurisdiction applies to all counts broadly related in subject to Count 2.

7. Do you believe argument will aid the court? ☒ Yes ☐ No

If yes, submit a separate notice to the court requesting oral argument and include the reasons why argument will aid the court. (Refer to paragraph 15 of the Guide.)

Plaintiff should be given every opportunity to substantiate that the constitutional law cited in the Complaint are worthy Federal Questions. If the Defendant's unbridled pursuit and control of "mental construct inside the mind of the [Plaintiff]" result in:

- disincentive to innovate—in conflict with Article 1 Section 8 of the US Constitution ("To promote the advancement of science and useful arts"),
 - selling of the Plaintiff's research program,
 - actions that are punitive against the Plaintiff,
 - claims of perpetual ownership of Plaintiff's "mind" without conversion to patent,
 - preventing the Plaintiff from continuing research in his area of expertise,
 - an "effective" action of preventing Plaintiff from receiving title of patent,
 - stalling of patent application with enabling of theft of "first to file" priority, and
 - collusion toward wrongful termination of Plaintiff's lifelong pursuit and career;
- could these rise to the level of violation of the constitutional rights of the Plaintiff?**

8. Do you intend to represent yourself? ☒ Yes ☐ No If you have not filed an Entry of Appearance, indicate your full name, address, telephone number and e-mail address.**An Entry of Appearance has been filed.**9. I certify that a copy of this brief and any attachments were sent to: Dale Doerhoff (et al)

_____, the attorney for appellee, at the following address:

231 Madison Street, Jefferson City, MO 65101

. (Address is found on

the Entry of Appearance served on you by the attorney for the appellee. If you do not send a copy of this brief to the appellee, the court will not file the brief.)

Jan 4, 2017

Date

/s/Galen J. Suppes

Appellant's signature

In addition to mailing a copy to the attorney for the appellee, mail three copies of this informal brief and attachments to:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

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For The Federal Circuit

Certificate of Service

I certify that if mailed the following:

1. Copy of amended Form 12 (**Plaintiff's [pro se] Informal Brief**).
2. Copy of **Notice to Court Filing of Amended Informal Brief**.
3. Copy of **Notice to Court Request for Oral Argument**.

To:

D. Doerhoff
231 Madison Street
Jefferson City, MO 65101

/s/Galen J. Suppes

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Galen J. Suppes 1/4/17

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